IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11984 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

IMRAN ABDULKADAR MALEK

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 11984 of 2001

MR AR SHAIKH for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 22/02/2002

ORAL JUDGEMENT

1. Rule. Mr.D.N.Patel waives service of rule on behalf of respondent. By consent rule is fixed forthwith.

2. Heard Mr.Shaikh for the petitioner and

Mr.D.N.Patel for the respondent. Petitioner has filed this petition for seeking direction to the respondent authority to issue fresh passport by changing the date of birth as per birth certificate issued by Veraval Patan Joint Nagarpalika, Veraval, Annexure "B" to the petition. In the Certificate issued by Head Master of Smt. Maniben Kalyanji Kotak High School, Veraval Annexure "C" to the petition the date of birth of the petitioner is shown as 1.12.78 and the place of birth was shown as Veraval. It is the case of the petitioner that in fact the petitioner was born on 1.12.78 and as per the Certificate issued by the Chief Officer, Veraval Patan Joint Nagarpalika, Veraval, the birth date of the petitioner is 1.12.78, which was recorded in the Register maintained by the Municipality and the said fact was disclosed before the Municipal authority on 5.12.78 and the place of birth was at Veraval. Accordingly the petitioner has approached the passport authority, but the authority has not accepted the same on the ground that there is a discrepancy in the document and unless and until the clarification is obtained from the court under Rules, it will not be possible for the passport authority to issue fresh passport.

3. Earlier passport was issued in favour of petitioner on 31.7.96, which is in force upto 30.7.2006. When the petitioner has approached the authority for correcting the date of birth and the place of birth, the application was not accepted and he was asked to obtain order from the court. The petitioner has accordingly now relied upon document Annexure "B", which is the certificate issued by the Chief Officer, Veraval Patan Joint Nagarpalika, Veraval wherein the date of birth of the petitioner was shown as 1.12.78. The petitioner was also born at Veraval. In view of these facts, the passport authority is directed that the application of the petitioner be entertained and considered and if it is found that the certificate issued by the Chief Officer is genuine, then the authority may issue fresh passport as requested by the petitioner. There is also discrepancy in the name of the father of the petitioner. It will be open for the petitioner to rely upon any document in this regard and the passport authority will consider the same at the time of issue of passport.

4. With these observations, the petition is disposed of. Rule is made absolute. Direct service is permitted.

Dt:22.2.2002 (D.K.Trivedi,J)

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